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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,912	11/30/2001	Anthony J. Dezonno	6065-83802	4715

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WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

EXAMINER	
WONG, BLANCHE	
ART UNIT	**PAPER NUMBER**
2616	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/997,912	DEZONNO ET AL.	
	Examiner	Art Unit	
	Blanche Wong	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *13-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 10, 2006 have been fully considered but they are not persuasive.

Applicant, in summary, argued that:

"First, the element of an ACD is totally missing in Masuhiro.

Second, the element of an agent telephone system coupled to the ACD is missing in Masuhiro, where in Masuhiro, the telephone is directly coupled to the PBX.

And third, the element of a plurality of networks coupling the agent telephone system to the ACD is missing in Masuhiro, where in Masuhiro, it is the PBX system themselves that are coupled by the plurality of networks." (Remarks, p.8, para. 4 to p. 9, para. 1)

Examiner addresses the first through third arguments in more details below. In short, Examiner points out that 1. the claims do not recite an ACD, 2. PBX is a transaction processing system, and 3. a plurality of networks coupling a telephone to a transaction processing system is trivial.

2. Examiner notes that amendments have been made to the preamble:

"A combination of an agent telephone system and a transaction processing system, the transaction processing system coupled to an external switch, the transaction processing system configured to couple an incoming telephone call with an agent of the agent telephone system and to route the incoming telephone call over one of a plurality of communication networks coupled between the transaction processing

system and the agent telephone system, the plurality of communication networks utilizing differing communication protocols" (claim 13); and

"A method for providing communication paths for an incoming telephone call of a transaction processing system with an agent of an agent telephone system, the transaction processing system coupled to an external switch, the transaction processing system configured to route the incoming telephone call to the agent telephone system over one of a plurality of communication networks coupled between the transaction processing system and the agent telephone system, each network having a corresponding network interface, the communication networks utilizing differing communication protocols" (claim 23).

3. In response to applicant's arguments, the recitations "[Masuhiro] does not teach or disclose an automatic call distributor (ACD) coupled to a telephone terminal or agent station by a plurality of networks" (Remarks, p. 7, para. 4) has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

4. Examiner notes that neither claim 13 nor 23 recites an ACD. Therefore, prior art does not need to teach or disclose an ACD.

5. Examiner notes that Applicant equates a transaction processing system to an ACD because Applicant argued "a telephone terminal or agent station coupled to a

transaction processing system or [ACD] by a plurality of networks" (Remarks, p. 7, para. 5). Because the claim language does not recite an ACD, Applicant's argument that "[t]he agent station is not coupled to a PBX..." (Remarks, p.8, para. 1) is not persuasive. Examiner contends that a PBX is a transaction processing system. Therefore, Masuhiro discloses an agent station coupled to a transaction processing system. Additionally, Examiners also notes that PBX is a switch. Therefore, "the transaction processing system coupled to an external switch" is one of the same PBX.

6. Examiner notes that Applicant reiterate in the argument the portion of the preamble "a plurality of communication networks coupled between the transaction processing system and the agent telephone system". However, the claim language does not call for a plurality of communication networks. For instance, claim 13 recites "a selected network" in line 18, "a first communication network" in line 19, and "a second communication network" in line 22. Masuhiro satisfies these claim limitations. Therefore, the claim rejections hold.

7. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Regarding Applicant's argument that "[i]t is not a trivial matter to include the ACD between the agent telephone system and the PSTN" (Remark, p.8, para. 1), it is precisely the non-trivial matter that makes Applicant's invention, structurally or methodologically, unique and that needs to be recited in the claims.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 13-17,20 and 23,26,27,30** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Masuhiro (Pub No. US2001/0003522 A1).

With regard to claim 13, Masuhiro discloses a telephone system comprising:

a microprocessor **(CPU 205, para. [0025])**;

memory **(memory 206, para. [0025])** operatively coupled to the microprocessor **(see Fig 2)**;

an agent microphone and agent speaker for transmission and reception of audio information **(telephone terminals 30 and 31 are connected by way of telephone lines; It is Examiner's position that 30 and 31 are telephones and that that the handset of a telephone has microphone to speaker into and speaker to listen)**, respectively;

a conversion device **(telephone)** configured to operatively couple the agent microphone and the agent speaker to the microprocessor;

an input multiplexer **(TDSW 201, para. [0025])** operatively coupled to the microprocessor **(see Fig. 2)**, the microprocessor configured to control selection of one of a plurality of input lines of the multiplexer **(TDSW establishes calls with IP network or ISDN, para. [0026])**;

a plurality of network interfaces **(IP-TRK 202 and ISDN I/F 203, para. [0026]; see also Fig. 2)** configured to operatively couple a selected one of the plurality of networks **(IP network and ISDN respectively)** to a corresponding input line of the multiplexer **(TDSW establishes calls with IP network or ISDN, para. [0026])** so as to permit communication between a caller **(telephone terminal 30)** and the agent of the agent telephone system **(telephone terminal 31)** over a selected network **(IP network; see also para. [0034])**; and

wherein after detection of a failure of a first communication network **(congested state in IP network, para. [0041])** through which the incoming telephone call is coupled to the agent telephone system, the microprocessor issues a control signal to the multiplexer **(CPU effects control over TDSW, para. [0039]; CPU ... to request a connection ... via ISDN, para. [0042])** to route a reconnected incoming telephone call from a second communication network **(ISDN)** so as to reestablish communication between the caller and the agent **(call connection by returning ... by way of ISDN, para. [0043])**, the first **(IP network)** and second **(ISDN network)** communication networks utilizing different communication protocol.

With regard to claims 14 and 15, Masuhiro further discloses BRI network and interface **(ISDN 11 in Fig. 1)**.

With regard to claim 16, Masuhiro further discloses at least one of the communication networks is a packet-switched based network **(IP network, see Fig. 1)**.

With regard to claim 17, Masuhiro further discloses at least one of the communication networks is a circuit-switched based network **(ISDN, see Fig. 1)**.

With regard to claim 20, Masuhiro further discloses the first **(IP network)** and second **(ISDN)** communication networks utilizing different communication protocol.

With regard to claims 23-27 and 30, see analysis for claims 13-17,20 respectively.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. **Claims 18 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuhiro in view of Arndt et al. (Pat No. 6,707,820).

With regard to claim 18, Masuhiro discloses the agent telephone system according to claim 13. However, Masuhiro fails to explicitly show a link status indication.

In an analogous art, Arndt discloses a link status indication **(link status messages are transmitted between nodes to provide a mechanism to detect link failures in the network, col. 16, lines 36-38)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a link status indication in Masuhiro's system. The suggestion/motivation for doing so would have been to detect link failures in a network. Arndt, col. 16, line 38. Therefore, it would have been obvious to combine Mak with Masuhiro for the benefit of a link status indication to detect link failures in a network, to obtain the invention as specified in claim 18.

With regard to claim 28, see analysis for claim 18 respectively.

12. **Claims 19 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuhiro in view of Border et al. (Pub. No. US2002/0133596).

With regard to claim 19, Masuhiro discloses the agent telephone system according to claim 13. However, Masuhiro fails to explicitly show a keep alive indication.

In an analogous art, Border discloses a keep-alive indication **(keep alive timeout to detect failures, para. [0052])**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a keep-alive indication in Masuhiro's system. The suggestion/motivation for doing so would have been to detect failures. Border, para. [0052]. Therefore, it would have been obvious to combine Border with Masuhiro for the benefit of a keep-alive indication to detect failures, to obtain the invention as specified in claim 19.

With regard to claim 29, see analysis for claim 19 respectively.

13. **Claims 21,31,32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuhiro in view of Pogossiants et al. (Pub No. US2006/0034262 A1).

With regard to claim 21, Masuhiro discloses the agent telephone system of claim 13. However, Masuhiro fails to explicitly show a computer having sound card therein, operatively coupled between the transaction processing system and an agent telephone, the sound card configured to digitize voice communication.

In an analogous art, Pogossiants discloses **(para. [0091])** a computer **(agent computer 602)** having sound card **(sound card installed within computer 602)** therein, the computer operatively coupled between the transaction processing system **(communication center 605)** and an agent telephone **(telephone 603)**, the sound card configured to digitize voice communication **(allows telephone to be used ... as ... an IP telephone)**.

At the time of the invention, it would have been obvious to combine Pogossiants with Masuhiro for the benefit of a computer having a sound card in Masuhiro's system. The suggestion/motivation for doing so would have been to enable telephone to be used as an IP telephone. Pogossiants, para. [0091]. Therefore, it would have been obvious to combine Pogossiants with Masuhiro for the benefit of a computer having a sound card to digitize voice communication, to obtain the invention as specified in claim 21.

With regard to claim 31, Masuhiro discloses the method according to claim 23. However, Masuhiro fails to explicitly show a display operatively coupled to the microprocessor.

In an analogous art, Pogossiants discloses a computer **(agent computer 602, para. [0091]) (it is Examiner's position that a computer has a display coupled to a microprocessor).**

At the time of the invention, it would have been obvious to combine Pogossiants with Masuhiro for the benefit of a computer in Masuhiro's system. The suggestion/motivation for doing so would have been to provide for a sound card and to enable telephone to be used as an IP telephone. Pogossiants, para. [0091]. Therefore, it would have been obvious to combine Pogossiants with Masuhiro for the benefit of a computer having a sound card to digitize voice communication, to obtain the invention as specified in claim 31.

With regard to claim 32, see analysis for claim 21.

14. **Claims 22,31,33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuhiro in view of Myer et al. (Pub No. US2002/0181670).

With regard to claim 22, Masuhiro discloses the agent telephone system according to claim 13. However, Masuhiro fails to explicitly show a computer having a USB circuit therein, the computer operatively coupled between the transaction processing system and an agent telephone, the USB circuit configured to facilitate transmission and reception of serial dial.

In an analogous art, Myer discloses **(para. [0159])** a computer **(computer terminal 406)** having a USB circuit **(USB connection 404)** therein, the computer operatively coupled between the transaction processing system **(H.323 gatekeeper 408)** and an agent telephone **(telephone handset 402)** the USB circuit configured to facilitate transmission and reception of serial dial **(Telephone handset 402 is connected to computer terminal via USB connection. A call is placed from telephone handset to telephone handset via H.323 gatekeeper...)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a computer having a USB circuit in Masuhiro's system. The suggeston/motivation for doing so would have been to provide for transmission and reception of serial dial. Myer, para. [0159]. Therefore, it would have been obvious to combine Myer with Masuhiro for the benefit of a computer having a USB circuit for transmission and reception of serial data, to obtain the invention as specified in claim 22.

With regard to claim 31, Masuhiro discloses the method according to claim 23. However, Masuhiro fails to explicitly show a display operatively coupled to the microprocessor.

In an analogous art, Pogossiants discloses a computer **(agent computer 602, para. [0091]) (it is Examiner's position that a computer has a display coupled to a microprocessor).**

At the time of the invention, it would have been obvious to combine Myers with Masuhiro for the benefit of a computer in Masuhiro's system. The

suggestion/motivation for doing so would have been to provide for a USB circuit and to digitize voice communication. Myers, para. [0159]. Therefore, it would have been obvious to combine Myers with Masuhiro for the benefit of a computer having a sound card to digitize voice communication, to obtain the invention as specified in claim 31.

With regard to claim 33, see analysis for claim 22.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BW
August 1, 2006

HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600